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Jane Y. Chong
Assistant United States Attorney

23 MAG 0042

Before: THE HONORABLE SARAH NETBURN
United States Magistrate Judge
Southern District of New York

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: UNITED STATES OF AMERICA : SEALED COMPLAINT
: :
: - v. - : Violations of
: 21 U.S.C. §§ 841, 846;
MOUNIR MRABET, : 18 U.S.C. § 2
: :
: COUNTY OF OFFENSE:
Defendant. : NEW YORK
: :
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

MARK GURLESKI, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") and a Task Force Officer ("TFO") with the United States Attorney's Office for the Southern District of New York (the "USAO-SDNY") and charges as follows:

COUNT ONE
(Narcotics Distribution)

1. On or about September 28, 2022, in the Southern District of New York and elsewhere, MOUNIR MRABET, the defendant, intentionally and knowingly distributed and possessed with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substances involved in the offense were: (1) a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (2) 10 grams or more of mixtures and substances containing a detectable amount of fentanyl analogue, in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).)

COUNT TWO
(Narcotics Distribution)

3. On or about September 30, 2022, in the Southern District of New York and elsewhere, MOUNIR MRABET, the defendant, intentionally and knowingly distributed and possessed with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

4. The controlled substances involved in the offense were: (1) a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (2) 50 grams or more of methamphetamine, its salts, isomers and salts of its isomers, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT THREE
(Narcotics Conspiracy)

5. From at least on or about September 27, 2022, up to and including at least in or about September 30, 2022, in the Southern District of New York and elsewhere, MOUNIR MRABET, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

6. It was a part and an object of the conspiracy that MOUNIR MRABET, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

7. The controlled substances that MOUNIR MRABET, the defendant, conspired to distribute and possess with intent to distribute were: (1) a quantity of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C); and (2) 50 grams or more of methamphetamine, its salts, isomers and salts of its

isomers, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

8. I am a Detective with the NYPD and a TFO with the USAO-SDNY, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, and my conversations with law enforcement officers and law enforcement employees, as well as my review of documents and recordings. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

9. Based on my participation in this investigation, including my personal observations; my examination of physical evidence; my review of company records, photographs, surveillance videos, and laboratory reports; my participation in physical surveillance; and my discussions with other law enforcement officers and other individuals, I have learned the following, in substance and in part:

The Storage Unit Search

10. On or about September 28, 2022, an employee at a storage facility in Manhattan ("Storage Facility-1") informed law enforcement that a reserved storage unit had been left open and unattended (the "Open Unit"). The Storage Facility-1 employee (the "Employee") had entered the Open Unit to conduct a wellness check and observed what appeared to be pills in plain view inside.

11. From my review of rental agreements maintained by Storage Facility-1, I have learned that the Open Unit and one additional storage unit (together, the "Storage Units") were reserved under the name of MOUNIR MRABET, the defendant, and associated with a particular phone number (the "Mrabet Phone Number").

12. From my conversations with the Employee, I have learned the following:

a. MRABET had been using another customer's access code to enter Storage Facility-1, often in the middle of the night.

b. On or about September 27, 2022, the Employee observed MRABET entering Storage Facility-1.

13. On or about September 28, 2022, pursuant to a judicially authorized warrant, law enforcement agents executed a search on the Storage units. From inside the Open Unit, law enforcement agents recovered, among other things, the following:

a. Approximately 165 whole, round blue tablets, stamped "M" on one side and "30" on the other side, in addition to 18 partial tablets and assorted tablet fragments. Two whole tablets, together weighing approximately 0.219 grams, were subsequently tested and found to contain fentanyl and para-fluorofentanyl, indicating for the whole tablets a likely aggregate weight of approximately 18 grams;

b. Approximately four glass vials containing clear residue, one of which was subsequently tested and found to contain fentanyl, para-fluorofentanyl, and methamphetamine;

c. A blue twist of plastic containing purple residue, which subsequently tested positive for fentanyl; and

d. A glass jar containing solid material, which subsequently tested positive for cocaine.

The Controlled Purchase

14. From my review of law enforcement reports and video footage recorded by an undercover law enforcement officer (the "UC"), I have learned that on or about September 27, 2022, the UC spoke with an individual (the "Broker") in an attempt to purchase three pounds of methamphetamine. Three days later, on or about September 30, 2022, the UC met with the Broker at a pre-arranged location in the vicinity of 9th Avenue and West 40th Street in Manhattan to conduct the transaction.

15. At the location, the Broker instructed the UC to call the Mrabet Phone Number. The Broker and the UC then proceeded to a nearby building on West 42nd Street, where they climbed several flights of stairs and entered an apartment unit (the "Apartment") to meet a third individual (the "Dealer"). The UC began a video recording of the encounter starting from his ascent up the stairs (the "UC Video Footage").

16. Inside the Apartment, the Dealer explained to the Broker and the UC that the Dealer did not have the original requested amount of narcotics and that he had only "shake," which he displayed in a plastic bag. Based on my training and experience, I believe "shake" to be a reference to broken pieces of crystal methamphetamine.

17. The Dealer then offered the UC "blues," which he displayed in a plastic twist containing a quantity of small blue pills, and cocaine. Based on my training and experience, I believe "blues" to be a reference to counterfeit oxycodone pills, which are typically blue in color and stamped with "M" on one side and "30" on the other.

18. The UC paid the Dealer \$1600 in U.S. currency in exchange for the plastic bag of "shake" and the plastic twist of "blues."

19. The UC spoke further with the Dealer and the Broker about the Dealer's ability to procure a firearm.


20. The UC then left the Apartment with the plastic bag of "shake" and the plastic twist of blues."

21. Subsequent laboratory testing determined that the plastic bag of "shake" contained approximately 119.8 grams of pure methamphetamine hydrochloride, and that the plastic twist of "blues" contained approximately 11.45 grams of mixtures and substances containing fentanyl.

22. On or about October 20, 2022, the UC was shown a six-pack photo array that contained one picture of MRABET and five pictures of other individuals with similar appearances. The UC identified the picture belonging to MRABET as the Dealer from whom the UC had purchased narcotics.


23. From my comparison of law enforcement photographs of MRABET to the UC Video Footage, which captured the Dealer's voice and face, I believe that the physical appearance of MRABET matches the physical appearance of the Dealer.

WHEREFORE, deponent respectfully requests that a warrant be issued for MOUNIR MRABET, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



MARK GURLESKI
Task Force Officer
U.S. Attorney's Office for the
Southern District of New York

Sworn to me through the transmission
of this Complaint by reliable electronic
means, pursuant to Federal Rule of
Criminal Procedure 4.1, this
4 day of January 2023



THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK